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CONCORD, N.H.

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June 29

Mr. James J. Barry, Commissioner -  
Department of Public Welfare  
State House Annex

Re: Minnie Roberts, OAA

Dear Sir:

You have asked the views of this office relative to the settlement of the above named recipient. You state that Mrs. Roberts was accepted for old age assistance in 1945, at which time she had a settlement in Stratham. In April 1946 she removed to the Pythian Home in West Swanzey where she has since resided. It appears that the settlement in Stratham expired in 1948 and that Cheshire County then assumed responsibility for contribution to her support.

Upon the facts stated it is abundantly clear that the recipient has acquired a settlement in the Town of Swanzey. In reaching this conclusion it is important first to note the provisions of R. L. c. 126, s. 8:

"Settlement. No person shall lose or be prevented from gaining a settlement because of receiving old age assistance, aid to the blind, aid to dependent children, or aid to the tuberculous under the provisions of this chapter. "

In view of the statuted cited, the ordinary rules governing the acquisition of a settlement apply. Upon removing to Swanzey in April 1946, the recipient commenced to acquire a settlement there under the provisions of R. L. c. 123, s.1 IX, which is as follows:

"Domicile. Any person of the age of twenty-one years who shall have had his domicile in any town in this state for five consecutive years shall thereby gain a settlement in such town."

Upon the completion of five years of residence in Swanzey, that is, from April 1951, the acquisition of a settlement in that town was completed.



Mr. James J. Barry, Commissioner

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I wish to point out that the fact that the recipient took up her abode in the home of a fraternal organization has no bearing upon the question of settlement. So long as she intended to make her home there she acquired a domicile which, under the provisions of R. L. c. 123, s. 1 IX above, has ripened into a settlement.

By R. L. c. 126 s. 21, towns liable for the support of persons assisted, under the laws of the State, by your Department, are required to reimburse the Public Assistance Fund to the extent of 25% of the assistance granted. You are thus under a statutory obligation to request the Town of Swanzey to make reimbursement for assistance granted the recipient in the present case.

Very truly yours,

Warren E. Waters  
Assistant Attorney General

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